

APPROVED

PLANNING BOARD
PLANNING BOARD 1ST MONTHLY MEETING
WEDNESDAY, February 8, 2023 – 6:00 PM
***Lincoln Town Hall, 148 Main Street, Lincoln NH**

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMIG>

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

I. CALL TO ORDER by Chairman James Spanos

Members Present: Chairman James Spanos, Vice Chairman Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, II
Excused: Alternate Mark Ehrman.

Staff Present: Planner Carole Bont

Guests Present:

- **Susanne (Susan) A. Chenard**, resident of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment.
- **Rudolph (Rudy) Glocker**, nonresident of PO Box 1457, Meredith, NH 03253-1457, owner and operator of Burgeon Outdoor a tenant business located in the Village Shops (Map 118, Lot 046) at 25 South Mountain Drive owned by Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 (via Zoom).
- **"Km04's I-Phone"** – is an unidentified participant #1 who named their computer handle, "Km04's I-Phone" (via Zoom).
- **Scott Miccile, P.E.**, nonresident, (**APPLICANT**) of 35 High Point Way, Wrentham, MA 02093-1176, Civil Engineering & Land Development Director of Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540 (via Zoom).

- **Frank Pasciuto**, resident, and co-owner with Virginia Marie Pasciuto, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Virginia Marie Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676 (left at approximately 7:15 PM).
- **Virginia (“Ginie”) Marie Pasciuto**, resident, and co-owner with Frank Pasciuto of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Frank Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676 (left at approximately 7:15 PM).
- **Delia M. Sullivan**, resident of 13 Coolidge Street, PO Box 665, Lincoln, NH 03251, and co-trustee owner of property at 13 Coolidge Street (Tax Map 117, Lot 133001-00-0000) owned by:
 - Kevin J. Sullivan Trustee of the Kevin J. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251; and
 - Delia M. Sullivan Trustee of the Delia M. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251;
 and principal of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665. that owns 21 Arthur Salem Way (Map 109, Lot 020). Also, member of the Zoning Board of Adjustment (left at 6:45 PM).

II. CONSIDERATION of meeting minutes from:

- **January 25, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom).

Motion to approve with one minor change by Vice Chairman Chenard

Second by Selectmen’s Representative O.J. Robinson

4 Members Approve, 1 Member Abstains

Motion Carries

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

- A. #CON 2022-25 M121 L050 – Mark Bogosian d/b/a South Peak, LLC & NH Restaurant Group, LLC – Pemi Base Camp at 75 Crooked Mountain Road – outdoor bar in a storage container on the deck and outdoor seating without Site Plan Review approval**
- B. #C&V 2023-02 M121 L050 – Mark Bogosian d/b/a South Peak, LLC & NH Restaurant Group, LLC – Pemi Base Camp at 75 Crooked Mountain Road – outdoor bar in a storage container on the deck and outdoor seating without Site Plan Review approval after being advised by PB to get approval.**

In 2004, the Planning Board granted Site Plan Review approval to erect the Pemi Base Camp which was limited to 176 seats.

In 2007, a Building Permit was issued for Loon Mountain Recreation Corporation to erect a 40'X101' temporary fabric structure for 176 seats to serve as a temporary ski base lodge facility for the South Peak expansion area (for Loon Mountain Ski Area) until a more substantial ski base lodge could be constructed.

Over time, the number of people served at the Pemi Base Camp restaurant may have exceeded the 176 seats. Furthermore, the seating expanded to include outdoor seating without Site Plan Review approval.

This winter season, services provided by the Pemi Base Camp restaurant was expanded when a storage container was placed on the deck and used to serve drinks and provide food for outdoor seating without Site Plan Review approval.

Occupancy permits from the Fire Chiefs at the time and subsequently, state liquor permits were issued for well in excess of 200 people.

In 2021, Mark Bogosian d/b/a South Peak, LLC purchased the property and then took over the operation of the Pemi Base Camp d/b/a NH Restaurant Group, LLC. Mr. Bogosian said he intended to continue the same scale of operation as before with some improvements.

At some point between 2007 and the present, the restaurant operation at the Pemi Base Camp expanded to include outdoor seating without Site Plan Review approval.

However, the Town and Bogosian recently discovered there was no Site Plan Review approval for any additional indoor seating or the outdoor seating. Furthermore, there was no Site Plan Review approval for the new bar in the storage container on the deck.

Due to the short notice and short ski season, on January 4, 2023, Mark Bogosian requested approval to continue to operate the expanded facility for this ski season (2022-2023) and then apply for Site Plan Review approval for the expansion to continue the outdoor seating operation at the Pemi Base Camp in the temporary fabric building for the next couple of years to until he is ready to build a proper base camp as well as the storage container bar on the outdoor deck. This request was not granted.

On January 4, 2023, the Planning Board discussed the unpermitted expansion at the Pemi-Base Camp to include (1) outdoor seating and (2) the addition of the container unit on the deck. Upon the Planning Board's request, Mark Bogosian expressed his willingness to submit the application for Site Plan Review. As of February 3, 2023, no application for an expansion has been submitted and the unpermitted expansion has continued. Bogosian is in violation of the 2004 Site Plan Review approval.

The Planning Board will discuss possible action to address this matter.

Discussion:

Mr. Bogosian is not present at this meeting. The Planning Board discusses the two (2) emails (see attached) that were sent regarding this issue. The Planning Board discusses the removal of the storage container and tries to determine the ownership of Pemi Base Camp.

Ownership: Planner Bont explains that Brian Norton states in his email that the Pemi Base Camp is owned and operated by Loon Mountain. There is some disagreement regarding that statement. Planner Bont goes on to say that according to Mr. Bogosian, he owns it. Planner Bont adds that the ownership issue is a confusing one. She explains that it may be possible that Mr. Bogosian doesn't realize he doesn't own Pemi Base Camp. He owns the land underneath because it was previously owned by South Peak and the building was leased to Loon Mountain Recreation Corporation (LMRC). The LMRC operated, according to Mr. Norton, the warm up hut. A separate subcontractor was hired to provide the beverage and food service. These additions were made prior to Mr. Bogosian purchasing South Peak Resort. Mr. Bogosian's group, NH Restaurant Group, LLC, currently operates the food and beverage service. The Planning Board discusses the ownership issue and would like to see documentation proving proper ownership.

Leasing: The Planning Board discusses the need for clarity regarding who is actually leasing the property. Member Beaudin describes how the initially approved warm up hut has now been expanded to include more bar space and bands which he feels aren't approved changes and makes parking an issue. Selectmen's Representative O.J. Robinson joins the conversation and states that ownership and leasing don't trigger Site Plan Review as it is not a change in use. The Planning Board agrees with Selectmen's Representative O.J. Robinson's statement.

Parking and Seating: The Planning Board discusses parking concerns as they relate to Site Plan Review. The Planning Board discusses seating and outdoor service. Chairman Spanos explains that an increase in seating triggers Site Plan Review. Planner Bont was told that the number of seating is to remain at the approved one hundred and seventy-six (176). Member Beaudin clarifies that if there has been a change from what was previously approved they have a responsibility to have a Site Plan Review, which Mr. Bogosian was originally told. He was to come in and had four (4) weeks to do so and did not.

Planner Bont states that Mr. Bogosian has documentation regarding the Site Plan approval from 2004. The Planning Board discusses the original Site Plan approval. Member Beaudin reiterates that what was approved is not what is there now. He feels if there have been changes to the made at the location then the abutters should have an opportunity to speak on them at Site Plan Review.

Liquor License: Planner Bont reads a letter from the NH Liquor Commission (see attached).

General Comments: Member Beaudin feels that Mr. Bogosian has tried to subvert the Planning Board by trying to strike a deal with Planner Bont and Town Manager Park. He adds that, in the past, the Planning Board had other businesses come in for Site Plan Review when changes were made and Mr. Bogosian was aware of that and agreed to come in for Site Plan Review.

The Planning Board discusses what changes appear to have been made based on their own personal experiences. Selectmen's Representative O.J. Robinson doesn't believe there has

been an increase in seating. For example, there used to be a larger number of long tables with bench seating on both sides of the table; Bogosian removed many of those tables with bench seating, and replaced them with a long bar with bar seating, but the bar seats were fewer and spread much further apart than the long tables with bench seating. Robinson explains that the outdoor seating has been there for years and they are typically used by skiers who are taking a break from skiing.

Member Beaudin said Bogosian also put in a band area. In his opinion, between the addition of the bar and the addition of the band area, the combined changes have amounted to a “change of use” requiring Site Plan Review approval. The Planning Board has required Site Plan Review approval for those types of changes and the board should not treat this situation any differently. Bogosian even agreed to come in and apply for Site Plan Review approval and he did not do it. If the Planning Board allows Bogosian to come in after the fact to ask for Site Plan Review approval, then the board has to allow everyone else to do it too.

Chair Spanos asked if any other board members had been to the Pemi Base Camp and what changes they had observed personally over time. Selectmen’s Representative O.J. Robinson raised his hand. He said that the Pemi Base Camp had served alcohol prior to (Bogosian) South Peak, LLC’s control of operations over there. The bar set up is different. He thinks there is less seating inside than before. There used to be a large number of long tables with bench seats with seating for 8-10 people on each side. They still have a number of those tables, but they got rid of a lot of those tables to make room for a long bar space (where no one sits) with bar seating spread much further apart and a band area. The food service has always been there.

Member Beaudin believes there is a much larger food service area than before. Planner Bont said the Town gave them a permit to add two additional sinks in the food service area. Selectmen’s Representative O.J. Robinson said the food service area has always been on the eastern end of the building. He did not notice a significant change in that area. Member Beaudin noted some additional sinks. Selectmen’s Representative O.J. Robinson said the ticket booth set up used to face inside, but now faces outside with windows. Selectmen’s Representative O.J. Robinson said he does not know when outdoor seating started (2004?), but there has been outdoor seating for skiers to take a break for quite a while. He does not know if the outdoor seating has been used for eating waffles and drinking, but the outdoor seats have been out there for years. There has been eating and drinking in the outside space for years.

Chair OJ Robinson said who owns the Pemi Base Camp and who leases it is not the Planning Board’s business. A change in those matters does not trigger Site Plan Review in any interpretation of Site Plan Review Regulations. To trigger Site Plan Review there has to be a “change in use”.

Change of Use: The Planning Board decides to discuss the “Change of Use” and not the issue of ownership.

Selectmen’s Representative O.J. Robinson suggests that the Planning Board review the 2004 application and approval. Let us look at what is in not just the conditions, but in the approval. Member Beaudin said he does not think there is a lot written in the approval or in the conditions of approval. Selectmen’s Representative O.J. Robinson said, then it is going to be hard to enforce. Selectmen’s Representative O.J. Robinson said the Board can go back

and look at the meeting minutes. If the minutes reflect that Loon Mountain Recreation Corporation (LMRC) said they were going to do this, and not going to do that, then the board can look at those promises. They can look at the details in the Site Plan Review [application] in addition to the conditions of approval. He adds that it's important to see if any of changes that have been made trigger Site Plan Review. Bogosian has enlarged the bar but he wonders if enlarging the bar is a really a violation of the 2004 approval or not. Someone can count the chairs in the Pemi Base Camp. If the change in the number of seats does not trigger Site Plan Review, then does the large bar space violate the terms of the 2004 approval? They have been serving alcohol there for years, but now they are serving alcohol from behind a large bar instead of up at the end where the food was. Is that a change in use? Their customers are still drinking beer. They are still sitting down to eat and drink. It is just that some of them are now sitting along the long bar instead of at long tables with bench seats.

Chair Spanos asked if they were originally serving just beer and wine or whether they have always been serving full liquor. Selectmen's Representative O.J. Robinson said he does not know because he does not drink when he goes skiing. Member Beaudin said he thinks they are serving "full liquor" because his wife has had drinks there.

Member Beaudin said the Pemi Base Camp was originally proposed to be a warming hut for skiers with food being brought in from Governor's Lodge. Member Beaudin argues that things have changed and after nineteen (19) years the current owner/operator/lessee should come in for Site Plan Review as there have been many different owners during that time frame. The Pemi Base Camp has changed so much over the years that Member Beaudin would like to verify a few things:

1. How many seats are currently in use?
2. Is this a change of [the type of] venue?
3. Have they been approved to have a band/[live entertainment]?
4. How is the parking affected if the parking area is owned by a different entity?

Member Beaudin agrees with Selectmen's Representative O.J. Robinson that a change in ownership or who the tenant or lessee is, by itself, does not trigger Site Plan Review. However, he is concerned about the parking aspect of the current operation. If the parking area is owned by a separate party from the tenant who operates the Pemi Base Camp, potentially they are going to have another 176 people (if that is the correct number) come for a special event like a party, a wedding, a funeral, or whatever wintertime function is renting out the Pemi Base Camp their guests are going to have to find a place to park. If the Pemi Base Camp is owned by a different entity (Mark Bogosian d/b/a South Peak, LLC), not the Loon Mountain Recreation Corporation (LMRC) which owns the Loon Mountain Ski Area Resort, they LMRC does not have control over that parking area. LMRC's skiers are not going to have exclusive access to the ticket area within the Pemi Base Camp you are going to have a different owner there in control. You could have the tenant, Mark Bogosian, telling LMRC, look, we have the venue rented out to a wedding party of 176 other people, LMRC is going to have to find somewhere else to park its 176 skiers.

Member Beaudin said another "change in use" is that the Pemi Base Camp is now open until 1:00 AM in the morning on one or two days per weekend. The Pemi Base Camp today is a totally different operation than it was per its approval in 2004. Member Beaudin said Mark Bogosian realized that he had made a change in use in the operation of the Pemi Base Camp

from what it used to be (a warming hut during ski hours) and he was supposed to come in for Site Plan Review approval and he did not. If Bogosian doesn't want to come in for Site Plan Review approval, put the Pemi Base Camp back to what it was in 2004. It is not a big deal; the whole process takes about four (4) weeks from start to finish, including Notice, the Site Plan Review hearing when the public has a chance to come and if everyone is happy with the proposal goes on.

Selectmen's Representative O.J. Robinson recalls that "the big harangue" or major concern at the last meeting was about what Mark Bogosian did was the box, the big container, the new bar being outside. That was the impression Robinson left with as a member of the Planning Board. He assumes that Mark Bogosian left with that same impression; that the Town's concern was the [bar in the] container with outdoor seating that had been added to existing indoor seating at the Pemi Base Camp. The Planning Board then received a letter from Bogosian that said "We are getting rid of that [outdoor container]." It is not as if Bogosian said he was going to get rid of it and then he did not keep his word. The Planning Board sent a message to Bogosian that the board was really concerned about the outside bar and he said "we are going to get rid of it, so we are good to go" [without Site Plan Review approval].

Selectmen's Representative O.J. Robinson said if it is not the case anymore, then the board should look at the 2004 decision and the information about the paper plates and adjusted Water & Sewer Tap Fee Points. The board needs to do our research. Mr. Bogosian has since removed the container. Selectmen's Representative O.J. Robinson would like the Planning Board to review the 2004 approvals before any accusations or demands for a new Site Plan Review approval are made.

Member Beaudin feels that Mr. Bogosian needs to come in for Site Plan Review because at the previous meeting he agreed that he wanted to make those changes. He adds that previously the hours of operation were only during skiing hours and now they stay open until 1:00AM a couple times per week. Member Beaudin feels that Bogosian cannot operate the Pemi Base Camp until 1:00 AM or 2:00 AM in the morning, when originally the Pemi Base Camp was approved to be open during ski hours and say that is not a change in use.

Chair Spanos asked how long the Pemi Base Camp has been opened until 1:00 AM or 2:00 AM in the morning. Member Beaudin answered, "this winter"; it was advertised. It is not open every night of the week. The Pemi Base Camp is advertised as being open on the weekends. Furthermore, the bands were never there before either.

Member Beaudin said first, Mark Bogosian said he just wanted to continue as is without Site Plan Review approval for one season, then he said he wanted to continue for 2-3 years without coming in for Site Plan Review approval until he could decide how big a permanent lodge to build.

The Planning Board discusses Mr. Bogosian's lack of action on applying for Site Plan Approval. Member Noseworthy said it was four weeks ago the Planning Board told him to submit a Site Plan Review application. The board told Bogosian it was not legit for the Planning Board to tell him to go ahead and do something without approval.

Chair Spanos said the Planning Board could not tell Bogosian to do something, to go ahead and make legal, something that was illegal. The storage container bar was the issue and now Bogosian is planning to do away with it.

Selectmen's Representative O.J. Robinson suggests that the Planning Board first review the 2004 application details and approval. What has been approved and what has been changed? Make a list of questions related to that. For example, what about the water and sewer tap fee points?

Vice Chair Chenard asked about how the Town accounts for Water & Sewer Tap fees for food trucks? They cannot operate a food truck without having water. Planner Bont explained that the Town issues Transient Vendor License and charges them a fee. There are no water and sewer tap fees charged to food trucks. That is not the case here. There is a whole separate section of the Land Use Plan Ordinance (LUPO) that pertains to Transient Vendor Permits and associated vehicles, none of which is related to water or sewer. Vice Chair Chenard insisted that Transient Vendor Food Trucks should be charged Water Tap Fee points. Planner Bont does not think so. The water is in the truck.

Note: These are the license fees associated with a Transient Vendor License:

• Permit Application Fee	\$50
• Vending Period of one (1) day to thirty (30) days:	\$150
• Vending period of thirty-one (31) days to sixty (60) days:	\$275
• Vending period of sixty-one (61) to ninety (90) days:	\$400
• Vending period of more than ninety (90) days:	\$500

Member Beaudin read from the Land Use Permit/Building Permit for the Pemi Base Camp with the Water and Sewer Tap Fees on it. There was nothing on the application for kitchens or bars in the 2004 or the 2007 Building Permits. If there had been either a bar or a kitchen, the water and sewer tap fees would have referenced them. Application Water & Sewer Tap Assessment Form from August 22, 2007 includes the following:

• Restaurants =	176 [seats]	(1.0 points per seat)
• Bars =	0	(0.5 points per seat)
• Kitchens =	0	(5.0 points per kitchen))
• Water Fountain =	1	
• Additional Sinks = 9		
○ 1 3-bay Sink	1	
○ 2 sinks in men's room	2	
○ 2 mop sinks	2	
○ 2 hand sinks	2	
○ 2 prep sinks	2	
• Half baths – women's room =	4	
• Half baths – men's room =	1	
• Urinals – men's room =	2	
• Outside Water Taps/Spigots =	1	

Member Beaudin said if they had referenced staying open until 1:00 AM or 2:00 AM in the morning the application would have referenced that. Look back at the minutes to see if there are any details about that.

Plan of Action: The Planning Board will review the 2004 Site Plan Review to find out what was approved. They will review the minutes and the liquor license. After, they will determine what changes have been made and if those changes are substantial enough to trigger Site Plan Review. Chairman Spanos and the Planning Board members discuss the need to determine what the parking situation is as it relates to the lease to the NH Food Group.

Questions:

1. **Water and Sewer Tap Fee Points:** Pemi Base Camp was approved in 2004 for one hundred seventy-six (176) seats, without a kitchen and were going to use paper products which would reduce water points. The Planning Board needs to find out if they are following the 2004 approval. Is the Pemi Base Camp still at or less than that number of seats?

2. **Who are the players?**

(Note: Members of the Planning Board disagree about whether they need to know this information. According to Brian Norton, President & General Manager of Loon Mountain Recreation Corporation, LMRC is still in charge of the Pemi Base Camp.)

- a. Who owns the building known as the Pemi Base Camp?
- b. Who owns the land that supports the Pemi Base Camp?
- c. Who operates the warming hut skier services at the Pemi Base Camp?
- d. Who operates the food and beverage part of the Pemi Base Camp?

3. **Is the land where the parking for the Pemi Base Camp is located, owned or leased?**

- a. Owned by which entity? South Peak, LLC? FC-Loon, LLC? Loon Mountain Recreation Corporation?
- b. Leased by which entity? South Peak, LLC? FC-Loon, LLC? Loon Mountain Recreation Corporation?

4. **If leased:**

- a. Are there any restrictions placed on the operator of the warming hut with regard to private functions during ski hours of operation?
- b. Could the lessee set aside additional parking for non-skier guests?
- c. Were there any restrictions regarding parking in the lease?

5. **Did the Planning Board approve Special Events in the Pemi Base Camp, such as weddings or funerals?**

- a. If they allow special events at the Pemi Base Camp, can skier guests be excluded from the Pemi Base Camp during these special events? Can wedding guests kick out skiers?
- b. Who controls non-ski operations?
- c. Who is in charge of non-ski operations?

6. **Check the minutes and the Notices of Decision and other records to determine:**
- a. **Whether the following separate business uses were initially permitted:**
 - i. **Restaurant Use;**
 - (a) Define the uses: Are restaurant and lounge separate or are they considered the same use of Food Service?
 - ii. **Liquor Use;**
 - iii. **Entertainment Use; and**
 - (a) Is entertainment considered a separate use?
 - iv. **Special Events.**
 - b. **How many restaurant seats were initially approved for inside?** Did that number change over time? If so, when? Was there ever Planning Board approval for those changes?
 - c. **What was the initial occupancy rate as determined by the Fire Chief?** Did that number change over time? What were those occupancy rates?
 - d. **Hours of Operation:**
 - i. What were the hours of operation for the Pemi Base Camp initially approved by the Planning Board, if any?
 - ii. What were the hours of operation when the Pemi Base Camp first opened?
 - iii. Did those hours change over time?
 - iv. Was there ever Planning Board approval for those changes?
 - v. What are the current hours of operation for the Pemi Base Camp?
 - e. **Did the Pemi Base Camp have a bar when it first opened?**
 - i. How many bar seats were initially approved, if any?
 - ii. Did that number change over time?
 - iii. If so, when and to what number of bar seats?
 - iv. Was there Planning Board approval for those changes?
 - v. *(Note: The number of bar seats approved can be inferred from the Water & Sewer Tap Fee Form submitted; there were no bar seats listed.)*
 - f. **How long has the Pemi Base Camp had a liquor license?**
 - g. **Was there a kitchen initially?** What was the kitchen used for? Cooking? Heating up food prepared elsewhere? Currently, are there any kitchen facilities, dishwashers, etc.?

(Note: Planner Bont confirms that two (2) sinks were added recently and they were charged the appropriate water points.)

i. Dishwashers:

1. Were there any dishwashers initially approved?
2. Were there any dishwashers operating initially when the temporary warming hut (Pemi Base Camp) was first opened?
3. Are there any dishwashers now?

h. Was any outdoor seating for restaurant service ever approved by the Planning Board?

- i. If so, when was outdoor seating for restaurant service approved and for how many?
- ii. When did outdoor seating for restaurant service begin at the Pemi Base Camp?
- iii. Is there currently outdoor seating for restaurant service at the Pemi Base Camp?

i. Review 2004 and 2007 Site Plan Approval (floor plan, seating, etc.)

j. Has there been changes to the water and sewer usages since the 2004 approval?

Deadline for completion of the research: Chairman Spanos suggests having a discussion to review the answers to the questions listed above on March 8, 2023. Planner Bont will try to have all the answers to the Planning Board members by Friday March 3, 2023 for the Planning Board to review prior to the March 8, 2023 meeting.

IV. NEW BUSINESS:

Maintenance Bond Release for The Pines:

Chairman Spanos discusses a letter from Richard Elliott regarding Forest Ridge Property Owner's Association (see attached). The Planning Board reviews the letter and discusses it. They have questions regarding Article 2 and they do not have a copy of the court documents regarding "The Pines at Forest Ridge Condominium Association, Inc." taking over the ponds. Selectmen's Representative O.J. Robinson reads a sentence from the letter that he finds interesting.

"Once the ponds is (are) completed and the last four (4) units are constructed the site will be landscaped and very little will be needed to be done to maintain the ponds of The Pines."

The Planning Board discusses the sentence and agrees that the last four (4) units in "The Pines at Forest Ridge" (Map 114, Lot 080) aren't constructed yet or landscaped. (Units 17, 18, 19 and 20).

The Planning Board discusses land near "The Pines at Forest Ridge" that will be foreclosing and sent to auction (i.e., land owned by Newco, LLC). The foreclosing party is the Yager Family Investments which is the investor. Planner Bont clarifies that Mt. Coolidge Construction, LLC, is the owner of "The Pines at Forest Ridge" development

which includes the four (4) unconstructed duplex units. Member Beaudin expresses that he thinks it's weird that one of the parcels to be auctioned off contains the brook and takes the run-off from the ponds.

Mt. Coolidge Construction, LLC and the Forest Ridge Property Owner's Association are to work the issue out between themselves and report back to the Planning Board for discussion before the Maintenance Bond is released.

Work Force Housing Crisis and North County Council:

Chairman Spanos discusses the recent meeting that Board of Selectmen Member Jack Daly attended regarding work force housing. Mr. Daly has offered to be the Town of Lincoln's representative as there isn't anyone currently representing Lincoln who pays dues to North County Council. The Planning Board would have to nominate Mr. Daly and the Board of Selectmen would have to approve. The Planning Board discusses and Vice Chairman Chenard and Planner Bont are also representatives for Lincoln. Both have not been able to attend recent meetings in person. Selectmen's Representative O.J. Robinson feels having Mr. Daly as a representative will be a benefit to Lincoln and doesn't see any conflicts associated. The Planning Board feels having Vice Chairman Chenard and Mr. Daly as representatives is a good idea.

Motion to Nominate Jack Daly as a representative for The Town of Lincoln by Member Beaudin

Second by Vice Chairman Chenard

All in favor

Motion to Nominate Vice Chairman Joseph Chenard as a representative for The Town of Lincoln by Member Beaudin

Second by Member Noseworthy

All in favor

Planning Board Seat:

Chairman Spanos discusses an error in a notice regarding an open seat on the Planning Board. The town clerk, with advice from the New Hampshire Municipal Association, has posted a correction notice and will notify the people who have applied for the position. Current terms for the Planning Board will remain the same. One of the two (2) Alternate positions is currently held by Mark Ehrman and the second is vacant. Danielle Black has sent a letter of interest and would like to start on May 1, 2023.

Motion to Nominate Danielle Black as the second (2nd) Alternate Member of the Planning Board

Second by Vice Chairman Chenard

All in favor

Legare Property (see attached email)

Planner Bont explains that she and Town Engineer Ray Korber have been working hard to figure out the details regarding the Legare Property. They have completed surveys that are contradictory. She will have the surveys reviewed and will use the two (2) most recent surveys as Mr. Korber has spent time talking with the surveyors. One of the

surveys was done by Sabourn & Tower Surveying and Septic Design, PLLC (Steve Tower & Ray Sabourn), 1022 Daniel Webster Highway, North Woodstock, NH 03262. The other survey was done by James M. Lavelle, LLS, 2 Starwood Drive, Hampstead, NH 03841. The older surveys will be sent with the two new surveys out to the Cartographic Associates Inc. (CAI) the tax mapping company to see if they add information regarding the property tax map. Older surveys: (1) Plan of Lands for Condos East Corporation, Lincoln, NH dated March 31, 1989 by Chester E. Chellman, LLS, White Mountain Survey Co., Inc., Ossipee, NH 03864 and (2) Mansion Hill East, Lincoln, NH a Subdivision for Condos East Corporation, Rte 3, Box 601, Lincoln, NH 03251 dated January 1988 by Perreault & Boisvert, Civil Engineers, 814 Elm Street, Manchester, NH 03101.

The Planning Board reviews the email regarding the wells on the property and discuss. Selectmen's Representative O.J. Robinson suggests that they remove the seventy-five (75) foot setback delineation

Wastewater: The Planning Board discusses that there needs to be a note on the drawings that states there are "no proposed on-site wastewater disposal".

Wells: Planner Bont confirms that there is a total of thirteen (13) wells on the property that were listed on the DES website. The locations of all of the wells is not known but there is data regarding how deep they are, how much flow they had, etc. Mr. Korber recommends that the Planning Board include a condition of approval that the wells are properly decommissioned per NH State Regulations. The Planning Board discusses.

The Planning Board concludes they do not have to make any changes to the recommendations listed in the email.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS: None

VI. ADJOURNMENT

Motion to adjourn by Vice Chairman Chenard

Second by Member Beaudin

All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: March 22, 2023


Chairman Spanos

